

### **REMARKS-General**

1. The applicant respectfully submitted a Preliminary Amendment on January 13, 2004 and received a returned post card on January 16, 2004. In addition, the applicant respectfully submitted a Substitute-Specification on June 10, 2004 in response to the Notice to File Corrected Application Papers dated April 7, 2004. The corresponding returned post card is received on June 15, 2004. The Preliminary Amendment contains newly drafted claims 11 to 53. However, only the original claims 1 to 10 are examined in this Office Action. The applicant respectfully deletes the original claims 1 to 10 and rewrites the claims 11 to 53 in the Preliminary Amendment. The applicant respectfully re-presents claims 11 to 53 in this Amendment A from claims 11 to 53 in the Preliminary Amendment.

2. The newly drafted independent claims 11 and 12 are rewritten from the original allowable claims 20, including the base claim and any intervening claims, of the cross-referenced previous application, US patent number 6,616,534. The newly drafted claims 13 through 53, including independent claim 13 incorporates all structural limitations of the original claim 1 and include further limitations previously brought forth in the disclosure and two independent method claims 45 and 49. No new matter has been included. All new claims 11-53 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

### **Response to Rejection of Claims 1-10 under Obviousness Double Patenting**

3. The applicant submits a terminal disclaimer herewith, in compliance with 37CFR1.321(c), to disclaim the terminal part of the statutory term of any patent granted on instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,616,534, in order to overcome the rejection of the claims 1-10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of the U.S. Patent No. 6,616,534.

### **Regarding to Rejection of Claims 1-10 under 35USC102**

4. The Examiner rejected claims 1-10 as being anticipated by Tremmel (US 5,632,679). Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

5. In view of 35 U.S.C. 102(b), it is apparent that a person shall not be entitled to a patent when his or her invention was patent in this country more than one year prior to the date of the application for patent in the United States.

6. However, the Tremmel patent and the instant invention are not the same invention according to the fact that the independent claim 11, 12, 13, 45, or 49 of the instant invention does not read upon the Tremmel patent. Apparently, Tremmel fails to anticipate the distinctive features of the instant invention.

7. Regarding to independent claims 11 and 12, which are rewritten from the original allowable claim 20 of the cross-referenced previous application having the patent number US 6,616,534, Tremmel fails to anticipate the characteristics of "variation in an angle of a displacement of the button varying an amount of contact between the conducting element and the resistor strip on the printed circuit board and thereby varying a magnitude of output signals, wherein the button is equipped with a pivot".

8. Regarding to independent claim 12, Tremmel fails to anticipate "the resistor strip is a cut-open or non-continuous structure so that when the conducting element is first pressed down and in contact with the resistor strip, a resistance value across the resistor strip decreases from infinite value to a maximum value for easy reading of a button status, and a gradual depression of the button downward results in variation of the amount of contact between the conducting element and the resistor strip on the printed circuit board".

9. Regarding to independent claim 13, Tremmel fails to anticipate "a sensitive member comprising first and second electric terminals" and "a control member supported in a movable manner between a first position and a second position with respect to the sensitive member". The applicant respectfully submits that a variation in position of the control member between the first position and the second position with

respect to the sensitive member results in varying analog signal output. Furthermore, Tremmel is silent regarding any means for generally retaining the control member at the first position and retracting the control member from any variation of position between the first position and the second position back to the first position.

10. Regarding to independent claim 45, Tremmel fails to anticipate a method of varying a magnitude of a control signal output when a conducting element in contact with a resistor trip of a game control console. Accordingly, the method comprises the step of varying a displacement between the conducting element and the piezoelectric-resistance element of a printed circuit board of the game control console to a resistance value across the piezoelectric-resistance element between an infinite value and a maximum value so as to vary the magnitude of the control signal being outputted.

11. Regarding to independent claim 49, Tremmel fails to anticipate a method for outputting at least a control signal varying on response to a control button of a game control console. Accordingly, Tremmel fails to teach the step of moving a control member between a first position and a second position with respect to the sensitive member to adjust a variation in position of the control member between the first position and the second position with respect to the sensitive member so as to vary the control signal transmitted between the first electric terminal and the second electric terminal responsively. Tremmel is silent regarding any step of retracting the control member back to the first position from any the variation of position between the first position and the second position.

12. Accordingly, Tremmel fails to anticipate the distinctive features as claimed in the independent claims 11, 12, 13, 45, and 49 of the instant invention and is not a qualified prior art of the instant invention and should be removed from the prior art list of the instant invention.

13. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

#### **The Cited but Non-Applied References**

14. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

15. A total of 53 claims and five independent claims are presented. The check, with the check no. 2537, in an amount of US\$383.00 was submitted on January 13, 2004 to pay the additional filing fee including US\$86.00 for the two additional independent claims and US\$297.00 for the additional 33 claims in excess of twenty. A copy of the check is attached herewith to show the payment of additional filing fee.

16. The applicant respectfully submits the copies of the Preliminary Amendment and the Substitute-Specification.

17. Copies of the returned post card and the U.S. Postal Service Delivery Confirmation Receipt are attached herewith to show the submission of the Preliminary Amendment on January 13, 2004 and the submission of Substitute-Specification on June 09, 2004.

18. A check in an amount of US\$65.00 is submitted herewith to pay the terminal disclaimer. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 502111.

19. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 11 to 53 at an early date is solicited.

20. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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